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January 15, 2015

VIA ECF

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization et al.*, 04-cv-397 (GBD) (RLE)

Dear Judge Daniels:

Plaintiffs have indicated that they intend to introduce PTE 224 through the testimony of Alon Eviatar. The Court should exclude it.

Plaintiffs describe this exhibit as “a [video] clip in which the PA’s former General Intelligence Service and Fatah leader, Tawfiq Tirawi, gives a lecture at a military course for young Palestinians.” DE 737 at 3. The video is dated July 23, 2009. *Id.* According to Plaintiffs’ translation, Mr. Tirawi states:

But let me tell you, Jerusalem needs thousands of martyrs. If we live to see the day, and you become the leaders of the future, mark my words: It is impossible for Jerusalem to be restored to us without thousands of martyrs. Anyone who thinks that America will restore Jerusalem to us is mistaken. It will never restore Jerusalem to us. And if it does not give us Jerusalem, how can it possibly give us the Right of Return? These are the two symbols that you have chosen as the title of this course. These two symbols require blood, action, efforts, resistance, and Palestinian unity.

Plaintiffs assert that this “is an admission.” DE 737 at 3. And they further claim that these statements are “not being offered for the truth,” but are instead admissible “to show Tirawi’s state of mind and the PA’s policy in favor of ‘blood’ and ‘action’ and terrorism.” *Id.* Plaintiffs are incorrect.

First, this video clip is irrelevant. This Court has repeatedly held that statements by purported PA officials will not be admitted into evidence unless they constitute a direct incitement to violence. Tr. 1/6/15 at 93:18-21. This video, however, reflects nothing more than inflammatory statements of inadmissible political rhetoric, which have “absolutely no probative value with regard to the issues that the jury has to decide here.” Tr. 12/16/14 at 62:9-14; *see also id.* at 62:18-19, 63:8-11, 94:22-23, 95:11-19, 95:23-25, 98:3-5, 185:10-14. Moreover, Plaintiffs



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themselves assert that Mr. Tirawi made these statements in 2009. DE 737 at 3. As a result, the statements could not have incited anyone to do anything relevant in this case — much less have shown “Tirawi’s state of mind” or any purported “PA policy” during the period of time at issue in this case.

Second, the statements are not a party admission. Mr. Tirawi was not employed by the PA at the time, and his affiliation with the Palestinian Academy for Security Sciences was in a purely advisory capacity.

Finally, to the extent that the Court concludes that the video has some probative value, it is more prejudicial than probative. The only purpose this exhibit will serve is to inflame the jury against the Defendants, and it should be excluded as a result. Fed. R. Evid. 403.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Hill".

Brian A. Hill